

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

| | | |
|--------------------------|---|----------------------------|
| RICHARD M. KING, #810257 | § | |
| VS. | § | CIVIL ACTION NO. 5:02cv172 |
| DIRECTOR, TDCJ-CID | § | |

ORDER ADOPTING REPORT AND RECOMMENDATION

On August 12, 2005, Petitioner Richard M. King, a prisoner confined in the Texas prison system, brought this Rule 60(b) motion asking this Court to vacate its March 12, 2004, judgment dismissing his petition for a writ of habeas corpus as time-barred. The Court referred the motion to United States Magistrate Judge Caroline M. Craven.

On September 20, 2005, Petitioner filed a motion for leave to file additional evidence and argument regarding his Rule 60(b) motion. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this motion. The Report recommended denying the motion because Petitioner has not shown any reason justifying relief from operation of the judgment.

Petitioner filed objections to the Report. This Court made a *de novo* review of Petitioner's objections and determined that they lack merit and a *de novo* review of Petitioner's motion for leave to file additional evidence and argument.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and

adopts them as the Court's findings and conclusions. The Court therefore

ORDERS that Petitioner's motion for leave to file additional evidence and argument is
GRANTED;

ORDERS that Petitioner's Rule 60(b) motion is **DENIED;** and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 21st day of October, 2005.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE